

1 Edward A. Broderick, *Pro Hac Vice*
2 ted@broderick-law.com
3 BRODERICK LAW, P.C.
4 176 Federal Street, Fifth Floor
5 Boston, Massachusetts 02110
6 Telephone: (617) 738-7080
7 Facsimile: (617) 830-0327

8 [Additional counsel appear on signature page]

9 *Attorneys for Louis Floyd and Terry Fabricant*
10 *and the Proposed Class*

11 JOHN W. PETERSON (SBN 179343)
12 john.peterson@polsinelli.com
13 POLSINELLI LLP
14 401 Commerce Street, Suite 900
15 Nashville, TN 37219
16 Telephone: (615) 259-1510
17 Facsimile: (615) 259-1573

18 *Attorney for Defendant*
19 *First Data Merchant Services LLC*

20 David S. Eisen (State Bar No. 100623)
21 David.Eisen@wilsonelser.com
22 Adam Le Berthon (State Bar No. 145226)
23 Adam.LeBerthon@wilsonelser.com
24 Amy Choe (State Bar No. 299870)
25 Amy.Cho@wilsonelser.com
26 WILSON, ELSER, MOSKOWITZ,
27 EDELMAN & DICKER LLP
28 555 South Flower Street, Suite 2900
Los Angeles, California 90071-2407
Telephone: (213) 443-5100
Facsimile: (213) 443-5101

Attorneys for Defendants
National Payment Systems and
National Payment Systems OR, LLC
d/b/a/ One Connect Processing

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

LOUIS FLOYD and TERRY FABRICANT,
individually and on behalf of all others
similarly situated,

Plaintiff,

v.

FIRST DATA MERCHANT SERVICES
LLC,

SAM'S CLUB MERCHANT SERVICES,

NATIONAL PAYMENT SYSTEMS LLC,

and

NATIONAL PAYMENT SYSTEMS OR,
LLC d/b/a/ ONE CONNECT PROCESSING,

Defendants.

Case No. 5:20-cv-02162-EJD

**PARTIES' STIPULATED REQUEST TO
EXTEND CASE DEADLINES**

Complaint Filed: March 30, 2020

Pursuant to Local Civil Rules 6-3 and 7-12, Defendant First Data Merchant Services LLC (collectively with "Sam's Club Merchant Services"¹, "First Data"), and Defendants National Payment Systems LLC ("NPS") and National Payment Systems OR, LLC ("NPS OR," jointly, "National Payment"), and Plaintiffs Louis Floyd and Terry Fabricant ("Plaintiffs"), through their attorneys, hereby seek Court approval of their stipulation to extend the following case deadlines:

¹ Sam's Club Merchant Services is a trade name for First Data Merchant Services LLC and is not an independent entity.

Event	Current Deadline	New Deadline
Joint Trial Setting Conference Statement (see Section III(C) (2) of Standing Order for Civil Cases)	July 26, 2021	September 13, 2021
Trial Setting Conference (see Section III(C) (1) of Standing Order for Civil Cases)	11:00 a.m. on August 5, 2021	11:00 a.m. on September 23, 2021
Fact Discovery Cutoff	September 1, 2021	October 20, 2021
Designation of Opening Experts with Reports	May 28, 2021	July 16, 2021
Designation of Rebuttal Experts with Reports	June 25, 2021	August 13, 2021
Expert Discovery Cutoff	August 20, 2021	October 8, 2021
Deadline(s) for Filing Discovery Motions	See Civil Local Rule 37-3	See Civil Local Rule 37-3
Deadline for Filing Dispositive Motions (see Section IV and V of Standing Order for Civil Cases)	September 15, 2021	November 3, 2021
Hearing on Anticipated Dispositive Motion(s)	9:00 a.m. on October 21, 2021	9:00 a.m. on December 9, 2021
The parties shall comply with the Standing Order for Civil Cases, a copy of which is available from the Clerk of the Court, with regard to the timing and content of the Joint Trial Setting Conference Statement and all other pretrial submissions.		

The parties declare the following in support of the extension:

1. On June 27, 2020, the Parties filed a Joint Case Management Statement and [Proposed] Order setting forth proposed case deadlines, which the Court adopted in a Scheduling Order on August 12, 2020. (See Doc. Nos. 37-38.)

2. On January 12, 2021, the National Payment Defendants filed a notice of Withdrawal and Substitution of New Counsel (Doc. 50), which the Court approved that same day.

(Doc. No. 51.)

3. On January 26, 2021, the parties filed a Stipulated Request to Extend Case Deadlines, modifying deadlines related to experts in this case, which the Court adopted that same day. (Doc. Nos. 52-53.)

4. To date, the parties have been engaged in intensive written discovery and have met and conferred on several discovery issues.

5. The parties have a mediation scheduled on June 30, 2021 and are working in good faith to resolve this matter.

6. A seven-week extension of the current case deadlines, as outlined above, will allow the parties to focus on their continued exchange of documents and information necessary to attempt to resolve the case in good faith at the mediation on June 30, 2021, and will further enable the parties to avoid incurring costs associated with expert reports, depositions, and other similar discovery until after the mediation, should it not be successful.

7. NOW, THEREFORE, THE PARTIES HEREBY JOINTLY REQUEST, through their undersigned counsel of record, that the case deadlines be modified as set forth herein. RESPECTFULLY SUBMITTED AND DATED this 26th day of May 2021.

SO STIPULATED BY:

Dated: May 26, 2021

Respectfully Submitted,

/s/ John W. Peterson

JOHN W. PETERSON (SBN 179343)

john.peterson@polsinelli.com

POLSINELLI LLP

401 Commerce Street, Suite 900

Nashville, TN 37219

Telephone: (615) 259-1510

Facsimile: (615) 259-1573

Attorney for Defendant

First Data Merchant Services LLC

/s/ Edward A. Broderick

Edward A. Broderick, *Pro Hac Vice*
ted@broderick-law.com

BRODERICK LAW, P.C.

176 Federal Street, Fifth Floor

Boston, Massachusetts 02110

Telephone: (617) 738-7080

Facsimile: (617) 830-0327

Anthony I. Paronich, *Pro Hac Vice*

anthony@paronichlaw.com

PARONICH LAW, P.C.

350 Lincoln Street, Suite 2400

Hingham, Massachusetts 02043

Telephone: (617) 738-7080

Facsimile: (617) 830-0327

Andrew W. Heidarpour, *Pro Hac Vice*

Forthcoming

aheidaipour@hlfinn.com

HEIDARPOUR LAW FIRM, PPC

1300 Pennsylvania Avenue NW, 190-318

Washington, District of Columbia 20004

Telephone: (202) 234-2727

Matthew P. McCue, *Pro Hac Vice*

mmccue@massattorneys.net

**THE LAW OFFICE OF MATTHEW P.
MCCUE**

1 South Avenue, Suite 3

Natick, Massachusetts 01760

Telephone: (508) 655-1415

Facsimile: (508) 319-3077

Adam J. Schwartz

adam@ajschwartzlaw.com

5670 Wilshire Boulevard, Suite 1800

Los Angeles, CA 90036

Telephone: (323) 455-4016

*Attorneys for Plaintiffs Louis Floyd and
Terry Fabricant and the Proposed Class*

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

/s/ David S. Eisen

David S. Eisen (State Bar No. 100623)
David.Eisen@wilsonelser.com
Adam Le Berthon (State Bar No. 145226)
Adam.LeBerthon@wilsonelser.com
Amy Choe (State Bar No. 299870)
Amy.Cho@wilsonelser.com
**WILSON, ELSE, MOSKOWITZ,
EDELMA & DICKER LLP**
555 South Flower Street, Suite 2900
Los Angeles, California 90071-2407
Telephone:(213) 443-5100
Facsimile: (213) 443-5101

*Attorneys for Defendants National Payment
Systems, LLC and National Payment
Systems OR, LLC*